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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,923	12/15/2005	Ken Maeda	1155-0288PUS1	4358
2292 7590 08/13/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
MESH, GENNADIY				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
08/13/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/560,923

**Applicant(s)**

MAEDA ET AL.

**Examiner**

GENNADIY MESH

**Art Unit**

1796

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

Applicant's Amendment filed on July 7, 2008 is acknowledged.

Claims 1 and 3-10 are pending. Claim 2 is cancelled by Applicant.

Rejection is maintained as it was set forth in previous Office action mailed on April 11, 2008, but altered due to amendment of claims.

***Claim Rejections - 35 USC § 102***

1. Claims 1 and 3 -10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hori et al. ( US 2002/0193555).

Regarding Claims 1 and 3-10 Hori discloses titanium catalyst( see [0025]) for process of preparation of a polyester resin by polycondensation of an aromatic dicarboxylic acid with aliphatic diol ( see abstract and [0162]) useful for production of blow molded products ( see [0206]), wherein titanium catalyst present in form of solution, containing mixture of titanium, aliphatic diol and polyhydric alcohol – see abstract and [0025].

Regarding limitations of Claims 1, 4,7 and 8 : Hori discloses that , titanium compound may be present in solution in the amount from 0.3wt.% to 10wt% ( see [0125]), aliphatic diol ( as ethylene glycol) can present in the amount more than 80 wt.% ( see [0310]) and amount of a polyhydric alcohol ( glycerol) in a range from 1wt.% to 50 wt.% - see [0029].

Regarding limitation of Claim 1,4 and 6 as " a titanium containing solution , wherein said titanium is a monomeric or a polymeric titanium compound including not

more than 100 units" : Hori discloses substantially same composition and process for preparation of titanium containing solution ( see [0025] and [0026]), therefore titanium compound will inherently has same chemical composition and structure , including degree ( number) of units.

Same related to limitation of Claim 6: as substantially same, titanium containing solution disclosed by Hori, will inherently have same particle sizes as it claimed by applicant in Claim 6.

Regarding limitation of Claims 3 and 5: Hori discloses that titanium containing solution can comprise water in the amount from 0.05 wt% to 2wt.% – see [0028].

Thus, Hori anticipate claimed subject matter of Claims 1 and 3 -10.

### ***Response to Arguments***

2. Applicant's arguments filed on July 11,2008 have been fully considered but they are not persuasive.

Applicant's arguments related to Claims 1 and 3 -10 rejected under 35 U.S.C. 102(b) as being anticipated by Hori et al. ( US 2002/0193555) based on statement that catalyst disclosed by Hori is different from catalyst claimed by Applicant, because Hori use different method for preparation of this catalyst: specifically step dehydro- drying which may lead to catalyst of higher Molecular weight. This argument was find unpersuasive, because Hori discloses two catalyst - one as first catalyst - this catalyst is solid and produced by method , including drying step ( see [ 0013] and [0021]) and **second catalyst** , obtained by substantially same method as it claimed by Applicant without drying step.- see [0025] and [0026].

For this reason Applicant's arguments were found unpersuasive.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GENNADIY MESH whose telephone number is (571)272-2901. The examiner can normally be reached on 10 a.m - 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272 1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gennadiy Mesh  
Examiner  
Art Unit 1796

/GM/

/VASUDEVAN S. JAGANNATHAN/  
Supervisory Patent Examiner, Art Unit 1796